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UNITED NATIONS
NATIONS UNIES

ICTR-98-44A-R
13-02-2012
(664/A - 662/A)

**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

664/A
MUTUMU

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APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Andrézia Vaz
Judge Carmel Agius

Registrar: Adama Dieng

Filed on: 13 February 2012

JUVÉNAL KAJELIJELI

v.

THE PROSECUTOR

Case No. ICTR-98-44A-R

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**PROSECUTOR'S RESPONSE TO JUVÉNAL KAJELIJELI'S MOTION
FOR LEAVE TO EXCEED WORD LIMIT ON REPLY BRIEF**

Office of the Prosecutor

Hassan Bubacar Jallow
James J. Arguin
George W. Mugwanya
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Professor Lennox Hinds
Claire Gilchrist

SUBMISSIONS

1. On 1 February 2012, the Applicant, Juvénal Kajelijeli, filed the *Motion for Leave to Exceed Word Limit on Reply Brief* (“The Motion”).¹ The Applicant contends that there is ‘an absence of statutory word limits in review proceedings’,² that the ‘length and complexity of the Prosecution’s response brief’ necessitate his lengthy reply brief (including the proposed amendments), and that based on the *Blaskic* Decision,³ that leave to exceed the word limit is warranted.⁴ He further alleges that none of the parties, Prosecution or the Applicant, ‘followed the customary word count ratios’ for their filings in the Review proceedings and that it would be unfairly prejudicial to only enforce word limits against him and not the Prosecution.⁵

2. The Applicant is mistaken and does not establish that there are exceptional circumstances warranting an oversized filing. The Applicant is selectively reading the *Blaskic* Decision to justify his position. Additionally, though the Tribunal’s Statute, Rules, and Practice Directions are silent on the word limits for review proceedings, the Appeals Chamber has addressed the same in its decisions so there is no lacuna as the Applicant seeks to imply.

3. The Appeals Chamber in the *Blaskic* Decision not only looked at the general practise of the ratio between the lengths of briefs, responses and replies, it also recognised the longest briefs that can be filed before the Appeals Chamber - filings on appeal - noting among others that appeals and responses in those proceedings were limited to 30,000 words, replies to 9,000 words.⁶ In denying the Prosecution’s request to file an oversized reply of 15,741 words, the *Blaskic* Appeals Chamber then noted that the Prosecution’s Reply in the review proceedings was “approximately 75% longer than the allowed length of a reply in *appeal* proceedings”.⁷ It further held that the Prosecution had failed to demonstrate that it needed the 15,741 words and directed it to file a Reply of not more than 9,000 words.⁸ The Appeals Chamber therefore relied on the maximum word limits filed in *appeal* proceedings as the

¹ Dated 31 January 2012 but received by CMS and the Prosecution on 1 February 2012.

² Motion, paras. 9, 15.

³ *Prosecutor v. Tihomir Blaskic*, IT-95-14-R, “Decision on Word Limits in Review Proceedings”, 1 February 2006.

⁴ Motion, paras. 11.

⁵ Motion, paras. 12-13.

⁶ *Blaskic* Decision, p. 4, 5.

⁷ *Blaskic* Decision, p. 5.

⁸ *Blaskic* Decision, p. 4-5.

maximum word limits for review proceedings, meaning there is no lacuna as the Applicant seems to imply.

4. Merely stating that the Prosecution's response (to which his proposed oversized brief would reply to) was lengthy and complex is not good cause in of itself to justify exceeding the word limits. Appeal and review proceedings are by their nature 'complex', and the 30,000 word limit envisioned for response briefs in both of those proceedings necessarily envision a 'lengthy' brief. It is therefore not enough for the Applicant to merely state that the length and complexity of the Prosecution Response, which was within the permitted word limits, necessitates his filing of an oversized Reply Brief.

5. Had the Applicant correctly read the *Blaskic* Decision, he would have found that, contrary to his allegations,⁹ the Prosecution had complied with the word limits for Response Briefs permitted by the Appeals Chamber in Review proceedings whereas his oversized filing would not. The Applicant would therefore not be unfairly prejudiced if he were to justify his oversized filing.

6. In any event and as argued in the Prosecutor's response to the Applicant's Motion to Amend the Reply Brief,¹⁰ incorporated herein by reference, the proposed amendments to the Applicant's Reply Brief – which would necessitate the oversized filing – lack merit and are merely a repetition of arguments already made in the initial reply. The Applicant has therefore not shown good cause why leave should be granted to exceed the permitted word limits.

7. Based on the foregoing the Prosecutor respectfully requests the Appeals Chamber to dismiss the Applicant's motion.

Word Count: 668

Dated and signed this 13 day of February 2012, Arusha Tanzania



Evelyn W. Kamau
Appeals Counsel

⁹ Motion, paras. 12-13.

¹⁰ Prosecutor's Response to the Applicant's Motion for Leave to Amend the Reply Brief, paras. 19-33.



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Case Name:	The Prosecutor vs. Juvénal Kajelijeli		Case Number: ICTR-ICTR-98-44A-R
Dates:	Transmitted: 13 February 2012		Document's date: 13 February 2012
No. of Pages:	3	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
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